

3 AAC is amended by adding a new chapter to read:

**Chapter 157. Alaska Sustainable Salmon Fund Outreach and Education Program.**

**Section**

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**3 AAC 157.010. Purpose and applicability.** (a) The purpose of the Alaska sustainable salmon fund outreach and education program established by this chapter is to educate constituencies on the value of and types of actions that should be taken for conservation, restoration, and sustainability of healthy Pacific salmon populations and their habitat.

(b) This chapter applies, subject to the availability of appropriations, to the award, allocation, and distribution of money from the Pacific Coastal Salmon Recovery Fund established under 16 U.S.C.

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3645 allocated directly to the state of Alaska and received by the Department of Commerce, Community and Economic Development for outreach and education. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.020 Eligible entities.** The following entities are eligible to submit a proposal under this chapter:

- (a) a municipality defined in AS 29.71.800(13);
- (b) an Alaska Native tribe that is recognized by the United States Secretary of the Interior to exist as an Indian tribe under 25 U.S.C. 479a (Federally Recognized Indian Tribe List Act of 1994);
- (c) a regional development organization defined in AS 44.33.895(e)(2);
- (d) an incorporated nonprofit entity with articles of incorporation and a certificate of incorporation or authority in good standing under AS 10.20;
- (e) a business defined in AS 43.70.110(1);
- (f) a postsecondary educational institution;
- (g) a regional educational attendance area as described in AS 18.08.031;
- (h) a municipal school district;
- (i) state agencies as described in AS 44.17.005;
- (j) federal agencies. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.030. Eligible grant proposals.** (a) To be eligible for a grant under this chapter, proposed projects and activities must meet one or more of the following purposes:

- (1) support effective public information and education about Pacific salmon and their habitats in Alaska;

(2) increase public commitment to the sustained use and protection of Pacific salmon through public involvement in Alaska habitat stewardship,

(3) support public access to technical information regarding Pacific salmon and their Alaska habitats.

(b) The amount of grant funds that can be applied for is:

(1) a minimum of \$25,000 and a maximum of \$300,000.

(c) Grants may not be used to pay for scholarships or educational stipends.

(Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.040 Solicitation process.** The department will

(a) publish a grant application guide;

(b) solicit applications for grants under this chapter by public notice of the solicitation in a newspaper of general circulation, and by posting the notice on the Alaska Online Public Notice System established under AS 44.62.175; and

(c) provide applications on request. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.050 Application requirements.** An application submitted in response to the public notice under 3 AAC 157.040 must

(a) be complete, and must be submitted on forms provided by the department; the application must include:

(1) a project narrative for inclusion in the Alaska sustainable salmon fund semi-annual report; and

(2) a detailed description of the project, the associated costs of the project, and the funding sources that will support the project.

(b) provide specific details regarding any match funds whether matching funds are required or not. If a match is required,

(1) the source of the match must not be federal in origin;

(2) the match must be directly related and integral to the completion of the project;

(3) the use of the match funds must occur after the signing of the grant agreement, but before the end date of the project; and

(4) the match may be in the form of:

(A) in-kind labor;

(B) in-kind equipment;

(C) in-kind services;

(D) donated supplies;

(E) money. (Eff. \_\_/\_\_/\_\_, Register\_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.060 Preliminary proposal review.** The department will conduct a preliminary review of an application to ensure it meets the requirements of 3 AAC 157.050. At any time during the preliminary proposal review, the department may request additional information if it considers the information necessary to complete the review of the application. If the department determines the application meets the requirements of 3 AAC 157.050, the proposal review committee shall accept, score, and rank the application. (Eff. \_\_/\_\_/\_\_, Register\_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.070 Proposal review committee.** The department will assemble a proposal review committee. The department will, at a minimum, offer a seat on the proposal review committee to representatives from the Department of Commerce, Community, and Economic Development and the Department of Fish and Game. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.080 Proposal scoring process and criteria.** (a) Each member of the proposal review committee shall score a proposal on a scale of 0-100 total points, and shall award

(1) no more than 40 points for a proposed project's strategic importance; the committee shall give a higher score to a proposal that

(A) meets a demonstrated need and will provide a lasting benefit;

(B) is supported or endorsed by organizations with expertise or authority in the area;

(C) is identified as a high priority in an adopted plan or study; and

(D) best fulfills at least one of the following criteria:

(i) develops and implements a public information and education program(s) that fosters public awareness and stewardship of salmon populations and their habitats;

(ii) develops and implements an outreach program that includes public participation in on-the-ground habitat monitoring, restoration, or other stewardship actions that benefit salmon; or

(iii) develops and supports a program or system that provides public access to technical information about salmon and their habitats;

(2) no more than 25 points for the proposal's technical merit; the committee shall give a higher score to a proposal

(A) that clearly defines objectives, methods, anticipated results, and products appropriate to the project;

(B) that has a high likelihood for success toward meeting project objectives within the specified timeframe and budget;

(C) that includes a mechanism to evaluate project success in meeting goals and objectives; and

(D) that demonstrates the ability to sustain or manage the project beyond the initial funding period to require the achieved project objectives;

(3) no more than 10 points for a proposed project's staff experience and qualifications; the committee shall give a higher score to proposals where the applicant and any partners

(A) demonstrate they have the capacity, including technical and administrative expertise, to successfully complete the project;

(B) have a history of successfully implementing, administering, and completing comparable projects; and

(C) have a history of successful grant administration, or submit other evidence demonstrating they have the capability to manage the grant;

(4) no more than 25 points for the proposal's budget; the committee shall give a higher score to proposals which include:

(A) costs that are reasonable to meet project objectives;

(B) project cost estimates that are explained and justified;

(C) administrative costs which are reasonable; and

(D) additional funding sources, including all match amounts and sources of origin, if required.

(b) Once each member has completed their individual scores for a proposal, the proposal review committee will average those individual scores to calculate a final score for that proposal. After it completes scoring the proposal, the proposal review committee will rank the proposals by score. The department will forward the results of the scored and ranked applications to the commissioner of the Department of Fish and Game, or the commissioner's designee.

(c) The department may modify the scoring calculations and ranking of the proposed review committee as a result of comments received from the individuals described in (b) of this section. The department will make preliminary proposal selections based on the scoring calculations, project rankings, and available funding.

### **3 AAC 157.090 Award notification**

The department will send an applicant written notification when the applicant's project has been selected. The written notification shall include:

(1) the department's recommended amount of the grant; and

(2) the type and amount of match required if the grant was submitted for a solicitation that requires matching funds. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.100. Reconsideration.** (a) No more than 10 days after receipt of the department's written notification under 3 AAC 157.080(d), the applicant may make a request for reconsideration of all or part of the decision to the commissioner. The request must be in writing and must identify each part of the decision the applicant objects to.

(b) No more than 15 days after receiving a request for reconsideration, the commissioner will review the request, the application, and any relevant supplemental material and may issue a written decision. If a written decision is not issued during the 15 days after a request for reconsideration is received, the request is automatically denied. The commissioner's decision on a request for reconsideration is final.

(c) If the applicant fails to request reconsideration during the time set out in (a) of this section, the department's decision is final. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.110. Acceptance of grant offer; grant conditions.** (a) Subject to the availability of appropriations, the department may negotiate a grant agreement with the recipient. A recipient of a final award determination does not have a vested right or other entitlement to a grant under this chapter until a mutually acceptable definitive written agreement is negotiated and is executed by the department.

(b) In a grant agreement, the department will incorporate any audit requirements of 2 AAC 45.010.

(c) In a grant agreement, the department may require applicants to procure, maintain, and demonstrate liability, hazard, or workers' compensation insurance; designate required policy limits; and require that the state be an additional insured under a policy.

(d) During the term of a grant agreement, the grantee shall maintain and provide, at the department's request, all grant-related records, reports, invoices, documents, and other information required under the grant agreement.

(e) The department may withhold any payment under the grant for the grantee's failure to comply with this chapter or the grant agreement.



(f) If the grantee is a federal agency or is providing any funding to a federal agency, a written approval for partnering with the federal agency must be submitted to and approved by the National Oceanic and Atmospheric Administration.

(g) If the grantee proposes to undertake any travel outside of the United States, a written approval for foreign travel must be submitted to and approved by the National Oceanic and Atmospheric Administration. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.120 Waiver of sovereign immunity.** If the grantee is an entity that possesses sovereign immunity, the grantee must agree as a condition of receiving a grant that the grantee irrevocably waives its sovereign immunity with respect to enforcement of the grant agreement or claims related to the grant agreement. The waiver of sovereign immunity must be on a form approved by the Department of Law and provided by the Department of Commerce, Community and Economic Development. (Eff. \_\_/\_\_/\_\_, Register \_\_\_\_)

**Authority:** AS 44.33.020

**3 AAC 157.990 Definitions.** In this chapter, unless the context requires otherwise,

(1) “commissioner” means the commissioner of the Department of Commerce, Community, and Economic Development;

(2) “department” means the Department of Commerce, Community, and Economic Development;

(3) “proposal review committee” means the group assembled under 3 AAC 144.070;

(4) “grant” means a grant applied for or awarded under this program;

(5) “program” means the Alaska sustainable salmon fund outreach and education grant program;

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(6) “salmon” means Pacific salmon species native to Alaska, including: chinook, sockeye, coho, chum, pink and steelhead. (Eff. \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:**    AS 44.33.020